Business & Professions Code section 25660

PART 2

Biometric systems and age verification technology

November 20, 2026

Training for the California Alcoholic Beverage Control Appeals Board

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A quick reminder

(a)	**Which ID qualifies?**	Accepted evidence of age and identity.
(b)	**What does the proof establish?**	A defense, or evidence to consider.
(c)	**What does the technology do?**	Definitions of the technology terms.

Handout: (a)–(c), pages 1–2

Two changes, two dates

January 1, 2025

Biometric systems

SB 1371
§ 25660(b)(1)–(2), (c)(1)–(2)

January 1, 2026

Age verification software or devices

AB 509
§ 25660(b)(3), (c)(3)

What is a biometric system?

(c)(1)

Biometrics

Unique personal features

Examples: fingerprints, iris, face

(c)(2)

Biometric system

Links identity to a person's unique features.

Handout: (c)(1), page 1; (c)(2), page 2

Biometric systems: the ID still matters

1 **Be based on a review of qualifying ID.**

2 **Verify and authenticate its validity.**

A biometric match alone does not show every requirement.

Handout: (b)(2), page 1

The statutory defense

Qualifying biometric use

“shall be a defense”

Read (b)(1) with (b)(2) and (c)(1)–(2).

Handout: (b)(1)–(2), page 1; definitions on pages 1–2

What does the software or device do?

1 Scan the magnetic strip or barcode.

2 Verify data on the qualifying ID.

Handout: (c)(3), page 2

When the scan misses a false ID

Use of the scan to establish the purchaser's age

"shall be considered evidence"

Only when the conditions in (b)(3) are met.

Handout: (b)(3), page 1

Four conditions for the ID

1. Qualifying evidence under (a)
2. Physically inspected
3. Seemingly legitimate
4. Matches the customer's physical appearance

Handout: (b)(3), page 1 — beginning with "provided that"

The statutory distinction

	Biometric system	Age verification software/device
Defined function	Links identity to biometrics (c)(1)–(2)	Scans magnetic strip or barcode to verify ID data (c)(3)
Conditions	Reviews bona fide evidence and verifies and authenticates its validity (b)(2)	For a missed false ID: qualifying evidence, physical inspection, seeming legitimacy, and a match (b)(3)
Legal effect	**“shall be a defense”** **(b)(1)**	**“shall be considered evidence”** **(b)(3)**

Reading a future appeal

1	**Which technology?**	Definitions in (c)(1)–(3).
2	**Which conditions?**	Requirements in (b)(2) or (b)(3).
3	**Which legal effect?**	Defense under (b)(1). Evidence under (b)(3).

West's Annotated California Codes
Business and Professions Code (Refs & Annos)
Division 9. Alcoholic Beverages (Refs & Annos)
Chapter 16. Regulatory Provisions (Refs & Annos)
Article 3. Women and Minors (Refs & Annos)

West's Ann.Cal.Bus. & Prof.Code § 25660

§ 25660. Bona fide evidence of majority and identity; utilization of biometric system and age verification software or device; defense to criminal prosecutions and license revocation proceedings; evidentiary standards

Effective: January 1, 2026
Currentness

(a) Bona fide evidence of majority and identity of the person is any of the following:

(1) A document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a valid motor vehicle operator's license, that contains the name, date of birth, description, and picture of the person.

(2) A valid passport issued by the United States or by a foreign government.

(3) A valid identification card issued to a member of the Armed Forces that includes a date of birth and a picture of the person.

(b)(1) Proof that the defendant-licensee, or their employee or agent, demanded, was shown, and acted in reliance upon bona fide evidence, or utilized a biometric system, in any transaction, employment, use, or permission forbidden by Section 25658, 25663, or 25665 shall be a defense to any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

(2) A biometric system utilized by a defendant-licensee shall be based upon a review of bona fide evidence of majority and identity of a person and that verifies and authenticates the validity of that bona fide evidence.

(3) The use of an active age verification software or an age verification device to establish the age of a purchaser of alcoholic beverages, that fails to identify a false identification card, shall be considered evidence in a criminal prosecution therefor, or to any proceedings for the suspension or revocation of any license based thereon, provided that the identification is bona fide evidence of majority and identity as described in subdivision (a) and was physically inspected, is seemingly legitimate, and matches the physical appearance of the customer.

(c) For purposes of this section, the following definitions apply:

(1) “Biometrics” means the unique characteristics of a person, including, but not limited to, fingerprints, iris, face, or other similar biometric characteristics, or any combination thereof.

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(2) “Biometric system” means technology that links the identity of a person to that person's biometrics.

(3) “Use of an active age verification software or an age verification device” means scanning the magnetic strip or the barcode on the bona fide evidence of majority and identity, as described in subdivision (a), to verify data on the identification document.

Credits

(Added by Stats.1953, c. 152, p. 1025, § 1. Amended by Stats.1955, c. 627, p. 1127, § 1; Stats.1959, c. 550, p. 2512, § 1; Stats.1987, c. 67, § 1; Stats.2005, c. 68 (A.B.764), § 1; Stats.2006, c. 538 (S.B.1852), § 35; Stats.2009, c. 142 (A.B.1191), § 2; Stats.2009, c. 405 (A.B.59), § 1.5; Stats.2010, c. 165 (A.B.1896), § 1; Stats.2024, c. 606 (S.B.1371), § 1, eff. Jan. 1, 2025; Stats.2025, c. 264 (A.B.509), § 1, eff. Jan. 1, 2026.)

West's Ann. Cal. Bus. & Prof. Code § 25660, CA BUS & PROF § 25660

Current with urgency legislation through Ch. 124 of 2026 Reg.Sess. Some statute sections may be more current, see credits for details.

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